

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JENET CHRISTIAN and NEIDHRA MAHENDRAN,

Docket No. 17 CV 4721

Plaintiff,

-against-

**ANSWER TO
COMPLAINT**

**METROPLOITAN SPECIALTY LAB’S, INC.,
VADIM TEVELEV, *Individually*, and
LEO ABRAMOVSKY, *Individually*,**

Defendants.
-----X

Defendants, METROPOLITAN SPECIALTY LABS, INC., (s/h/i as “METROPOLITAN SPECIALTY LAB’S INC.”) VADIM TEVLEN and LEO ABRAMOVSKY, (“Defendants”) by and through their attorneys, Casella & Casella, LLP, answer the Complaint herein, filed August 11, 2017, as follows:

1. Defendants deny the allegations and legal conclusions contained in paragraph “1” except admit that Plaintiffs purports to assert claims under the Fair Labor Standards Act (“FLSA”) and New York Labor Law.
2. Defendants deny the allegations and legal conclusions contained in paragraph “2” except admit that Plaintiff CHRISTIAN purports to assert a claim under New York Labor Law.
3. Defendants deny the allegations and legal conclusions contained in paragraph “3” except admit that Plaintiffs purports to assert a claim under New York Labor Law.
4. The allegations contained in paragraphs “4”and “5” of the Complaint contain conclusions of law to which no response is required. To the extent a response is deemed to be required, Defendants deny knowledge and information sufficient to form a belief as to the truth

of the allegations, except admit that Plaintiffs purport to base jurisdiction on the statutory provisions therein.

5. The allegations contained in paragraph “6” of the Complaint contain conclusions of law to which no response is required. To the extent a response is deemed to be required, Defendants deny knowledge and information sufficient to form a belief as to the truth of the allegations, except admit that Plaintiffs purport to base venue on the statutory provisions therein.

6. Defendants lack knowledge and information sufficient to form a belief at to the truth of the allegations contained in paragraph “7” of the complaint.

7. Defendants lack knowledge and information sufficient to form a belief at to the truth of the allegations contained in paragraph “8” of the complaint.

8. Paragraph “9” does not allege facts to which a response is required.

9. Defendants admit the allegation contained in paragraph “10” of the Complaint.

10. Defendants deny the allegations contained in paragraph “11” of the Complaint.

11. Defendants deny the allegations contained in paragraph “12” of the Complaint.

12. Defendants deny the allegations contained in paragraph “13” of the Complaint.

13. Defendants deny the allegations contained in paragraph “14” of the Complaint.

14. Defendants deny the allegations contained in paragraph “15” of the Complaint.

15. Defendants deny the allegations contained in paragraph “16” of the Complaint.

16. Paragraph “17” does not allege facts to which a response is required.

17. Defendants deny the allegations contained in paragraph “18” of the Complaint.

18. Defendants deny the allegations contained in paragraph “19” of the Complaint.

19. The allegations contained in paragraph “20” of the Complaint contain conclusions of law to which no response is required. To the extent a response is deemed to be required,

Defendants deny knowledge and information sufficient to form a belief as to the truth of the allegations therein.

20. The allegations contained in paragraphs “21” of the Complaint contain conclusions of law to which no response is required. To the extent a response is deemed to be required, Defendants deny knowledge and information sufficient to form a belief as to the truth of the allegations therein.

21. Defendants deny the allegations contained in paragraph “22” of the Complaint.

22. Defendants deny the allegations contained in paragraph “23” of the Complaint.

23. Defendants deny the allegations contained in paragraph “24” of the Complaint.

24. Defendants deny the allegations contained in paragraph “25” of the Complaint.

25. Defendants deny the allegations contained in paragraph “26” of the Complaint.

26. Defendants deny the allegations contained in paragraph “27” of the Complaint.

27. Defendants deny the allegations contained in paragraph “28” of the Complaint.

28. Defendants deny the allegations contained in paragraph “29” of the Complaint.

29. Defendants deny the allegations contained in paragraph “30” of the Complaint.

30. Defendants deny the allegations contained in paragraph “31” of the Complaint.

31. The allegations contained in paragraphs “32” of the Complaint contain conclusions of law to which no response is required. To the extent a response is deemed to be required, Defendants deny knowledge and information sufficient to form a belief as to the truth of the allegations therein.

32. Defendants deny the allegations contained in paragraph “33” of the Complaint.

33. Defendants deny the allegations contained in paragraph “34” of the Complaint.

34. Defendants deny the allegations contained in paragraph “35” of the Complaint.

35. Defendants deny the allegations contained in paragraph “36” of the Complaint except admit that Defendants lost their license to operate its laboratory.

36. Defendants deny the allegations contained in paragraph “37” of the Complaint.

37. Defendants deny the allegations contained in paragraph “38” of the Complaint except admit that its license was reinstated.

38. Defendants deny the allegations contained in paragraph “39” of the Complaint.

39. Defendants deny the allegations contained in paragraph “40” of the Complaint.

40. Defendants deny the allegations contained in paragraph “41” of the Complaint.

41. Defendants deny the allegations contained in paragraph “42” of the Complaint except state that the contents of any such letter speaks for itself.

42. Defendants deny the allegations contained in paragraph “43” of the Complaint.

43. Defendants deny the allegations contained in paragraph “44” of the Complaint except admit that Plaintiff MAHENDRAN voluntarily resigned from her position.

44. Defendants deny the allegations contained in paragraph “45” of the Complaint.

45. Defendants deny the allegations contained in paragraph “46” of the Complaint.

46. Defendants deny the allegations contained in paragraph “47” of the Complaint.

47. Defendants deny the allegations contained in paragraph “48” of the Complaint.

48. Defendants deny the allegations contained in paragraph “49” of the Complaint.

49. Defendants deny the allegations contained in paragraph “50” of the Complaint.

50. Defendants deny the allegations contained in paragraph “51” of the Complaint.

51. Defendants deny the allegations contained in paragraph “52” of the Complaint.

52. Defendants deny the allegations contained in paragraph “53” of the Complaint.

53. Defendants deny the allegations contained in paragraph “54” of the Complaint.

54. Defendants deny the allegations contained in paragraph “55” of the Complaint.

55. Defendants deny the allegations contained in paragraph “56” of the Complaint.

56. Defendants deny the allegations contained in paragraph “57” of the Complaint.

57. Defendants deny the allegations contained in paragraph “58” of the Complaint.

58. Defendants deny the allegations contained in paragraph “59” of the Complaint.

59. Defendants deny the allegations contained in paragraph “60” of the Complaint.

60. Defendants deny the allegations contained in paragraph “61” of the Complaint.

61. Defendants deny the allegations contained in paragraph “62” of the Complaint.

62. Defendants deny the allegations contained in paragraph “63” of the Complaint.

63. The allegations contained in paragraphs “64” of the Complaint contain conclusions of law to which no response is required.

64. Defendants deny the allegations contained in paragraph “65” of the Complaint.

65. Defendants deny the allegations contained in paragraph “66” of the Complaint.

66. Defendants deny the allegations contained in paragraph “67” of the Complaint.

67. Defendants deny the allegations contained in paragraph “68” of the Complaint.

68. The allegations contained in paragraphs “69” of the Complaint contain conclusions of law to which no response is required.

69. Defendants deny the allegations contained in paragraph “70” of the Complaint.

70. Defendants deny the allegations contained in paragraph “71” of the Complaint.

71. Defendants deny the allegations contained in paragraph “72” of the Complaint.

72. Defendants deny the allegations contained in paragraph “73” of the Complaint.

73. Defendants deny the allegations contained in paragraph “74” of the Complaint.

74. Defendants deny the allegations contained in paragraph “75” of the Complaint.

75. Defendants deny the allegations contained in paragraph “76” of the Complaint.

76. The allegations contained in paragraphs “77” of the Complaint contain conclusions of law to which no response is required.

77. Defendants deny the allegations contained in paragraph “78” of the Complaint.

78. Defendants deny the allegations contained in paragraph “79” of the Complaint.

79. The allegations contained in paragraphs “80” of the Complaint contain conclusions of law to which no response is required.

80. Defendants deny the allegations contained in paragraph “81” of the Complaint.

81. Defendants deny the allegations contained in paragraph “82” of the Complaint.

82. Defendants deny the allegations contained in paragraph “83” of the Complaint.

83. Defendants deny the allegations contained in paragraph “84” of the Complaint.

84. The allegations contained in paragraphs “85” of the Complaint contain conclusions of law to which no response is required.

85. Defendants deny the allegations contained in paragraph “86” of the Complaint.

86. Defendants deny the allegations contained in paragraph “87” of the Complaint.

FIRST AFFIRMATIVE DEFENSE

87. The Complaint, in whole or in part, fails to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

88. The Complaint is barred, in whole or in part, by the applicable statute of limitations under Federal and/or New York State law.

THIRD AFFIRMATIVE DEFENSE

89. The claims in the Complaint are barred, in whole or in part, by virtue of the Portal to Portal Act of 1947.

FOURTH AFFIRMATIVE DEFENSE

90. Plaintiffs' claims for penalties, attorney's fees, liquidated damages, punitive damages, compensatory damages, enhancements to damages (including double or treble damages) or an expanded statute of limitations under the FLSA are barred, in whole or in part, because Defendants have at all times acted in good faith to comply with Federal and New York State law, and did not violate Federal or New York State law.

FIFTH AFFIRMATIVE DEFENSE

91. The claims set forth in the Complaint are barred, in whole or in part, by virtue of the doctrines of Waiver, estoppel, unclean hands, and/or laches.

SIXTH AFFIRMATIVE DEFENSE

92. Plaintiff's claims are barred by virtue of Plaintiffs' failure to mitigate their damages.

SEVENTH AFFIRMATIVE DEFENSE

93. Plaintiffs' claims are barred by virtue of one or exemptions set forth pursuant to 29 U.S.C. §213.

WHEREFORE, Defendants respectfully demands judgment dismissing plaintiffs' Complaint in its entirety and for such other and further relief as this Court may deem just, proper and equitable.

Dated: Staten Island, New York
October 2, 2017

CASELLA & CASELLA, LLP



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